

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re: LTL MANAGEMENT, LLC, Debtor.	Chapter 11 Case No.: 21-30589 (MBK) Honorable Michael B. Kaplan Hearing: January 18, 2023 at 10:00 a.m.

**STATEMENT OF THE OFFICIAL COMMITTEE OF TALC CLAIMANTS
REGARDING MAUNE RAICHLE HARTLEY
FRENCH & MUDD, LLC’S MOTION TO DISQUALIFY KENNETH R.
FEINBERG AS RULE 706 EXPERT AND TO TERMINATE ESTIMATION**

The Official Committee of Talc Claimants (the “TCC”) in the above captioned case, by and through its undersigned counsel, hereby respectfully submits this statement in response to the *Maune Raichle Hartley French & Mudd, LLC’s Motion to Disqualify Kenneth R. Feinberg as Rule 706 Expert and to Terminate Estimation* [Dkt. No. 3553] (the “Motion”).¹

STATEMENT

1. As the Court is aware, the TCC’s position, which has not changed throughout this case, remains that this bankruptcy case was filed in bad faith, is being prosecuted in bad faith, and should be dismissed.

¹ Capitalized terms used but not defined herein shall have the meanings assigned to them in the Motion.

2. The TCC's consistent position, also unchanged, is that estimation serves no legitimate purpose in this case. *See Official Committee of Talc Claimants' Statement in Opposition to Debtor's Request for Estimation Under Section 502(c) of the Bankruptcy Code and Statement on Proposed Next Steps in Chapter 11 Case*, dated July 15, 2022 [Dkt. 2722] (the "TCC Opposition to Estimation") at ¶ 3.

3. Following a hearing on July 28, 2022, the Court appointed Kenneth R. Feinberg (the "Court-Appointed Expert") as an expert pursuant to Rule 706 of the Federal Rules of Evidence and directed that he "prepare and file a Rule 706 report . . . estimating the volume and value of current and future ovarian and mesothelioma claims." *See* Order dated August 15, 2022 [Dkt. 2881] (the "Appointment Order").²

4. Notwithstanding continuing opposition to this bankruptcy case and the propriety of estimation therein, the TCC has worked in good faith with, and has undertaken significant efforts to assist, the Court-Appointed Expert. *See, e.g.*, Motion, Exhibit 2 at 7:2-15; 9:4-25 (describing TCC's efforts to gather plaintiffs' data from hundreds of law firms, by Court-Appointed Expert's stated deadline of December 31, 2022, as "moving heaven and earth"). So long as the Appointment Order is in effect, the TCC will continue those efforts.

5. The TCC does not join the Motion, believes the Court-Appointed Expert has conducted himself within the dictates of the Appointment Order, and specifically, is unaware of any disqualifying conduct by the Court-Appointed Expert.

6. As the Court is well aware, the TCC's sole interest has been, and remains, obtaining the full and fair compensation for J&J's talc victims as expeditiously as possible.

² On November 17, 2022, the Court-Appointed Expert filed a two-page letter summarizing the status of his work. *See* Dkt. 3330. On December 20, 2022, the Court-Appointed Expert appeared before this Court (personally, accompanied by his counsel) and provided a further update with respect to his work. *See* Motion, Exhibit 2 (attaching transcript).

7. The TCC reserves all rights related to the Appointment Order, the Court-Appointed Expert, his work or the results thereof.

Dated: January 11, 2023

Respectfully Submitted,

**THE OFFICIAL TALC CLAIMANTS
COMMITTEE**

Respectfully submitted,

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